

FILED - GR

June 21, 2022 2:30 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: KB/v-22

PRISONER CIVIL RIGHTS COMPLAINT

Plaintiff's Information

Name: Charles Grant Brooks, Sr.

Prisoner #: 351208

Place of Confinement: G. Robert Cotton

Street: 3510 N. Elm Jackson MI 49201

Are there additional plaintiffs: NO

1:22-cv-574

Ray Kent

U.S. Magistrate Judge

Defendant's Information:

Name: Gretchen Whitmer

Governor

Street: P.O. Box 30003 Lansing MI 48909

Are you suing this defendant in his/her: Official Capacity

Are you suing more than one defendant: YES

I. PREVIOUS LAWSUITS

Have you filed any other lawsuits in state or federal court relating to your imprisonment? YES

Please list all prior civil actions or appeals that you have filed in federal court while you have been incarcerated.

Docket or Case Number: 1:09 - CV -539

Additional Defendant's Information:

Name: Sirena Landfair Health Unit Mangaer

Street: 3510 N. Elm Jackson MI 49201

Are you suing this defendant in his/her: Official Capacity

Name: Unnamed Captain Shift Commander 1400-2200 shift 12/11/21

Street: 3510 N. Elm Jackson MI 49201

Are you suing this person in his/her: Official Capacity

Name: Unnamed Lieutenant Shift Command 1400-2200 shift 12/11/21

Street: 3510 N. Elm Jackson MI 49201

Are you suing this defendant in his/her: Official Capacity

Name: Karmen Bussell BSN, RN, DON

Street: 3510 N. Elm Jackson MI 49201

Are you suing this defendant in his/her: Official Capacity

Name: Patricia Lamb RN, BSN

Street: 3510 N. Elm Jackson MI 49201

Are you suing this defendant in his/her: Official Capacity

Additional Defendant's Information:

Name: Sara J. Cummins RN-13

Street: 3510 N. Elm Jackson MI 49201

Are you suing this defendant in his/her: Official Capacity

Name: Sgt. St. Charles Sgt on 1400-2200 shift on 12/11/21

Street: 3510 N. Elm Jackson MI 49201

Are you suing this defendant in his/her: Official Capacity

Name of Court: U.S. District Court for Western District of Michigan,
Southern Division

Parties: Charles Grant Brooks, Sr. v Becky Scherf, (defendants) et al

Disposition: Dismissed

Docket or Case Number: 2:09 - CV - 12377

Name of Court: U.S. District Court for Western District of MI, Southern
Division

Parties: Charles Grant Brooks, Sr. v Kim Worthy, (Defendats) et al

Disposition: Dismissed

II. STATEMENT OF FACTS

On 12-18-21 at @ 4pm, my medical provider Dr. Danielle Gooding called my unit and spoke with me. She informed me that she thought I might have pneumonia and she was going to send me for X-rays. On 12-9-21, after I wasn't sent for X-rays, I crossed paths with DR. Gooding on the walk. I informed her that I hadn't went for X-rays on that day. She said that she thought I should have but would probably go the next day. When I made it back to my unit, I asked my wife to call the Health Unit Manager and make inquiries. HUM Landfair told my wife that there was an order for X-rays, but no appointment scheduled. My wife informed HUM Landfair that I am a chronic care pulmonary patient, that i have a history of pneumonia and HUM Landfair told my wife I had to wait for an appointment. According to PD 03.04.100, XX, I should have been

immediately sent to receive X-rays. On 12-10-21, I asked my wife to call HUM Landfair and inquire as to why I hadn't been sent for X-rays on that day. She called at @ 3pm and was told that she couldn't be given any information. At @ 3:30pm, I instructed my wife to make a series of calls to Mrs. K. Napier, Warden N. Nagy's office, the Ombudsman, the Chief Medical Offcier in Lansing, her District Representative and anyone else she thought could help get some action. At @ 5pm, I asked C/O Nathan Curl to call medical and inform them that I had shortness of breath, tightness in my chest and was told, by C/O Curl that medical thought it sounded like Covid. I was tested for Covid and my results were negative. I was sent back to my unit. At 6:48pm, as a result of the calls my wife made, Lt. Owens gave C/O Curl instructions to send me to healthcare. I saw Nurse Boone. She took my vitals, conducted an exam and put me on the emergency callout to see the doctor on 12-11-21. Again, I should have been sent to the hospital per PD03.04.100, XX. On 12-11-21, after not being called out to healthcare by 9am, I instructed my Wife and Mother to call the facility and inquire why I hadn't been sent to healthcare. They spoke with Sgt. Davidson, who then called my unit and spoke with me at @ 11am. She told me she was sending me to healthcare after insulin lines and med lines were down. I went to healthcare at @ 1:20pm and was sent by Nurse Boone. She evaluated me, as she had the day before, and called the Health Care Provider's on call doctor, a Dr. Riser. After Nurse Boone filled her in, Dr. Riser instructed Nurse Boone to send me to the E.R. Nurse Boone called the facility's control center, in my presence, to inform them of Dr. Riser's order. The control center told Nurse Boone that sthey would send me to the E.R. She sent me back to my unit. At @ 3:05pm, I asked C/O Curl to call the control center and find

out why I hadn't been sent to the E.R. yet. Sgt. St. Charles told C/O Curl, who relayed the message to me, that they were waiting for an officer to come back from the hospital. When count cleared at @ 4:30pm, I called my Mother and asked her to call the facility and ask to speak with shift command and find out why I hadn't been sent yet. I asked C/O Curl to call control center again at @ 5pm and C/O Curl told me that Sgt. St. Charles said I had to wait until chow lines went down and I-unit meds were ran. I was finally taken to the E.R. at @ 6pm by C/O Wilkerson, when he arrived to get me from my housing unit. After being taken to the E.R., evaluated, treated for asthma issues, I was sent back to JCF at @ 11:15pm with a prescription for Prednisone. I didn't receive that medication until 3 days later, and was never seen by healthcare, upon my return, for this issue which is a violation of PD 03.04.130, BBB. I grieved these issues, and in the responses, it is acknowledged that the X-rays were ordered to be done on 12/9/21, that I returned from the E.R. on 12-11-21 at 11:13pm and I was not seen by healthcare, and the return from offsite process will be reviewed administratively.

III. RELIEF

I would like the court to grant me the following relief for the clear violation of policy, applicable MCL, and violations of Michigan Constitution, as well as the U.S Constitution:

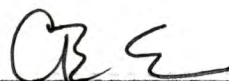
1) MDOC shall make a change to Policy Directives that will MANDATE

healthcare staff, upon being made aware by a prisoner that policy, or a constitutionally protected right, is being violated, must take the issue to the HUM **immediately**, and the HUM shall be **obliged** to look up policy in question and address the issue immediately.

2) I am seeking punitive damages for the clear violation of policy, violation of my constitutional rights, disregard for my health, and indifference to my health issues and needs in the amount of \$2,000,000.00.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed (signed) on June 9, 2022 (date)



Signature of Plaintiff
Charles G. Brooks, Sr

Charles G. Brooks Sr 351208
G. Robert Cotton Correctional Facility
3510 N. Elm
Jackson, MI 49201

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District Court

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Michigan Street, N.W.

Rapids, MI 49503

